

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. 05-113</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: June 29, 2005</b>
<b>MILTON SHABAZZ</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>TARELL SCOTT,</b>	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (distribution of</b>
<b>a/k/a "Amsu Walton"</b>	<b>:</b>	<b>cocaine - 2 counts)</b>
	<b>:</b>	<b>21 U.S.C. § 846 (conspiracy - 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (distribution of</b>
	<b>:</b>	<b>cocaine base ("crack") - 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (attempted</b>
	<b>:</b>	<b>distribution of cocaine base ("crack") - 1</b>
	<b>:</b>	<b>count)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (possession with</b>
	<b>:</b>	<b>intent to distribute cocaine base ("crack")</b>
	<b>:</b>	<b>- 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c) (possession of a</b>
	<b>:</b>	<b>firearm in furtherance of drug trafficking</b>
	<b>:</b>	<b>- 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (felon in possession</b>
	<b>:</b>	<b>of firearm - 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:</b>	<b>21 U.S.C. § 853 (notices of criminal</b>
	<b>:</b>	<b>forfeiture)</b>

**SECOND SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

On or about September 30, 2004, at Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**MILTON SHABAZZ**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or  
substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

At all times material to this second superseding indictment:

1. From at least November 3, 2004 through on or about April 28, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MILTON SHABAZZ and  
TARELL SCOTT,  
a/k/a “Amsu Walton,”**

conspired and agreed together and with others known and unknown to the grand jury, to knowingly and intentionally distribute a mixture or substance containing a detectable amount of cocaine and more than 50 grams, that is, approximately 267 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), Schedule II controlled substances, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), (b)(1)(C).

**MANNER AND MEANS**

It was a part of the conspiracy that:

2. Defendant MILTON SHABAZZ communicated in person and by telephone with a drug customer while defendant SHABAZZ was engaged in legitimate means of employment, either as a barber at a shop located at 726 Market Street, Philadelphia, or as a taxicab driver for Germantown Cab Company, to negotiate the terms of future drug transactions.

3. Defendant MILTON SHABAZZ met with the drug customer at the arranged time and location of a drug transaction and either viewed or obtained the money being used to purchase the drugs from the customer. After being shown or obtaining the purchase

money, defendant MILTON SHABAZZ distributed the drugs to the customer or obtained the drugs from defendant TARELL SCOTT, a/k/a "Amsu Walton," and distributed them to the drug customer.

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**OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania:

1. On or about November 3, 2004, in the 800 block of Market Street, in Philadelphia:

a. Defendant MILTON SHABAZZ met with a confidential source (CS) to sell the CS cocaine and the CS showed defendant SHABAZZ \$2,400 in cash the CS intended to use to pay for the cocaine.

b. Defendant SHABAZZ then walked over and met with defendant TARELL SCOTT, who handed defendant SHABAZZ a package containing approximately 50 grams of cocaine.

c. Defendant SHABAZZ walked back to the CS, handed the CS the package containing approximately 50 grams of cocaine, and was handed \$2,400 from the CS.

2. On or about December 7, 2004, defendant MILTON SHABAZZ met with the CS outside the barber shop at 726 Market Street to discuss the future sale of four and a half ounces of cocaine for \$3,400 on December 8, 2004.

3. On or about December 8, 2004:

a. Defendant MILTON SHABAZZ met with the CS and an undercover Philadelphia Police officer in the 800 block of Market Street and agreed to sell the

undercover officer some “crack” for \$3,400.

b. Defendant SHABAZZ walked toward the bus stop at 9<sup>th</sup> and Market Streets, met with defendant TARELL SCOTT, called the CS on his cellular telephone, stated that he did not want to engage in the drug transaction on the street, and stated that they should go to the McDonald’s restaurant inside the nearby Gallery Mall.

c. Defendants SHABAZZ and WALTON, who was carrying a shopping bag, left the bus stop and walked into the mall.

d. In the Gallery Mall, defendant MILTON SHABAZZ and the undercover officer went into the restroom near the McDonald’s restaurant, where defendant SHABAZZ now had the shopping bag, removed a clear plastic bag containing an off-white chunky substance of approximately 112.6 grams of cocaine base (“crack”), and handed the bag to the undercover officer in exchange for \$3,400.

4. On or about April 28, 2005:

a. During a series of telephone conversations, defendant MILTON SHABAZZ agreed to meet with the CS in the 900 block of North Broad Street in Philadelphia and to sell him four ounces of cocaine base (“crack”).

b. Defendant SHABAZZ, while driving a taxicab for Germantown Cab Company, met with J.D., a person known to the grand jury, in the Germantown section of Philadelphia and offered J.D. approximately 13 grams of cocaine base (“crack”) in exchange for J.D. holding onto a bag containing approximately 155 grams of cocaine base (“crack”) and a .40 caliber Glock pistol, model number 23C, serial number DLV136, loaded with 11 rounds of ammunition.

c. Defendants SHABAZZ and TARELL SCOTT and J.D. traveled in a Germantown Cab Company taxicab being driven by defendant SHABAZZ to a location near the intersection of North Broad Street and Girard Avenue. During the cab ride from the Germantown section of Philadelphia to that location, defendant MILTON SHABAZZ discussed the sale of “crack” on the telephone with the CS and the CS’ time of arrival at North Broad Street and Girard Street.

d. After defendant SHABAZZ parked the Germantown Cab Company taxicab near the intersection of North Broad Streets and Girard Streets, and took possession of the bag containing approximately 155 grams of cocaine base (“crack”) from J.D., defendants MILTON SHABAZZ and TARELL SCOTT got out of the taxicab and started looking for the CS.

All in violation of Title 21, United States Code, Section 846.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about November 3, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MILTON SHABAZZ and  
TARELL SCOTT,  
a/k/a “Amsu Walton,”**

knowingly and intentionally distributed and aided and abetted the distribution of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and Title 18, United States Code, Section 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 8, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MILTON SHABAZZ and  
TARELL SCOTT,  
a/k/a “Amsu Walton,”**

knowingly and intentionally distributed and aided and abetted the distribution of more than 50 grams, that is, approximately 112.6 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 21, United States Code, Section 2.



**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 28, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**MILTON SHABAZZ and  
TARELL SCOTT,  
a/k/a “Amsu Walton,”**

knowingly and intentionally attempted to distribute and aided and abetted the attempt to distribute more than 50 grams, that is, approximately 155 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A), and Title 21, United States Code, Section 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 16, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TARELL SCOTT,  
a/k/a “Amsu Walton,”**

knowingly and intentionally possessed with the intent to distribute a mixture or substance containing more than five grams, that is, approximately 10 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 28, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**MILTON SHABAZZ**

knowingly possessed a firearm, that is, a .40 caliber Glock pistol, model number 23C, serial number DLV136US, loaded with 11 rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, conspiracy to distribute cocaine base (“crack”) and attempted distribution of cocaine base (“crack”).

In violation of Title 18, United States Code, Section 924(c).

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 16, 2005, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**TARELL SCOTT,  
a/k/a “Amsu Walton,”**

knowingly possessed a firearm, that is, a 9mm Smith & Wesson pistol, model number 3913, serial number TEH5416, loaded with nine rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, distribution of cocaine base (“crack”) and possession with intent to distribute cocaine base (“crack”).

In violation of Title 18, United States Code, Section 924(c).

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 28, 2005, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**MILTON SHABAZZ,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable  
by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate  
commerce a firearm, that is, a .40 caliber Glock pistol, model number 23C, serial number  
DLV136US, loaded with 11 rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 16, 2005, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**TARELL SCOTT,  
a/k/a “Amsu Walton,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable  
by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate  
commerce a firearm, that is, a 9mm Smith & Wesson pistol, model number 3913, serial number  
TEH5416, loaded with nine rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Section 841(a)(1), set forth in this second superseding indictment, defendants

**MILTON SHABAZZ and  
TARELL SCOTT,  
a/k/a “Amsu Walton,”**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses; and

(b) any property constituting, or derived from, proceeds obtained directly or indirectly from the commission of such offenses, including, but not limited to, the sum of approximately \$7,532.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property subject to

forfeiture.

All pursuant to Title 21, United States Code, Section 853.



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**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1), set forth in this second superseding indictment, defendant

**MILTON SHABAZZ**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

1. A .40 caliber Glock pistol, model number 23C, serial number DLV136US; and,
2. 11 rounds of .40 caliber ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

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**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1), set forth in this second superseding indictment, defendant

**TARELL SCOTT  
a/k/a “Amsu Walton”**

shall forfeit to the United States of America the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

1. A 9mm Smith & Wesson pistol, model 3913, serial number TEH5416; and,
2. Nine rounds of 9mm ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN  
UNITED STATES ATTORNEY**